



PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

May 30, 2002

FOR IMMEDIATE RELEASE

Contact: Doug Ellis

(360) 664-2735

Toll free 1-877-601-2828

Nancy Krier, Asst. Attorney General

(360) 586-2780

COMMISSION TO APPEAL COURT RULING IN WEA V. PDC LAWSUIT

Seattle -- The Public Disclosure Commission is asking the Attorney General's Office to initiate an appeal to the Washington State Supreme Court of last week's King County Superior Court ruling which would allow taxpayer facilities to be used for campaign purposes.

Commission Chair, Christine Yoroza, said the Commission believes Superior Court Judge Richard McDermott was wrong when he ruled on behalf of the Washington Education Association that free speech rights include the right to use public agency facilities to campaign for candidates and ballot measures.

"The citizens of the state do not want their tax dollars used to support or oppose candidates and ballot measures," Yoroza said. "The right of free speech does not include the right to use taxpayer resources to support campaigns."

The WEA sued the PDC, challenging the constitutionality of PDC Guidelines for School Districts in Election Campaigns. The Guidelines inform public school employees and others about a state law that prohibits the use of public facilities to support or oppose candidates or ballot measures. The law was part of Initiative 276, which passed in 1972 with 72 percent of the vote. Through Initiative 276, the voters also created the PDC, a five-member citizen commission, to implement the Initiative.

On May 23, 2002, Judge McDermott orally ruled that portions of the Guidelines are unconstitutional, and as a result opened the door for government employees to distribute and disseminate political campaign information using public facilities. The judge is expected to enter a written order shortly, and the PDC will appeal that order directly to the State Supreme Court.

PDC Commissioner Lois Clement of Bellingham said the Commission has always enforced a policy that government resources, including computers and public employee time, should not be used to influence an election campaign.

“The election campaign guidelines were developed to help school districts comply with the law,” Clement said. “This ruling eliminates 30 years of PDC guidance on the prohibition of using public facilities for political campaigns.”

Judge McDermott’s ruling would also allow the use of government Internet mail or e-mail systems, as well as other internal school mail systems and public facilities, to distribute written campaign materials, including candidate and ballot measure endorsements.

The Commission will request a stay of the judge’s written order pending appeal to the State Supreme Court. A stay would suspend the effect of the order until the appeal process is completed.

The case is Washington Education Association v. Washington State Public Disclosure Commission, et al., King County Superior Court No. 01-2-26074-0KNT.

##